IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.949 OF 2002

Neelavati Dattatraya Kadam ...Appellant
Vs.
Adhikrao Vasantrao Pawar & Ors. ...Respondents

Mr G.S. Godbole for the Appellant.
Mr Rahul Samant i/by Mr Nitin Jamdar for the Respondents.

CORAM : A. S. OKA, J.
DATE : APRIL 25, 2006.

P.C.:

1. Heard the learned Advocates appearing for the parties. Following substantial questions of law arise:

(i) Whether the findings recorded by the courts below are perverse in as much as the same are contrary to the findings recorded in paragraph No.31 of the judgment in Regular Civil Suit No.155 of 1983 filed by the Respondent which has attained finality?

(ii) Whether the Appellate Court committed an error by recording a finding that the Appellant was not in possession in as much as the said finding is directly contrary to the judgment

and decree passed in Regular Civil Suit No.155 of 1983 which has attained finality?

2. Second Appeal is admitted on aforesaid substantial questions of law. Advocate for the Respondent Nos.1 to 3 waives service. Printing is dispensed with. The Appellant is directed to file a private paper-book alongwith sufficient number of copies thereof within a period of one year from today. If the paper-book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the court.

JUDGE